

Notic of Allowability

Application N .

09/652,190

Examiner

Victor J. Taylor

Applicant(s)

WOZNIAK ET AL.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 17 March 2004.
2. ☒ The allowed claim(s) is/are 1-3 and 5-22.
3. ☒ The drawings filed on 17 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Drawings

1. The drawings were received on 17 March 2004. These drawings are approved.

Response to Arguments

2. Applicant's arguments, see paper 6, filed 17 March 2004, with respect to the corrected drawing have been fully considered and are persuasive. The objection to the drawing of 17 December 2004 has been withdrawn.
3. Applicant's arguments, see paper 6, filed 17 March 200, with respect to the objection to the specification have been fully considered and are persuasive. The objection to the specification of 17 December 2004 has been withdrawn.
4. Applicant's arguments, see the amendments to the claims to include the allowed objected to limitations of claims 4-7 written into the independent claim limitations and the arguments of record, filed 17 March 2004 overcome the cited art of record, with respect to 102 (b) rejection and have been fully considered and are persuasive. The 102 (b) rejection of 17 December 2004 has been withdrawn.

Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

I. Art A of Matsumoto et al., EP 0,628,874-A2 is cited for the communication network 12, and teaches the retail photo finishing equipment 11e connected with the client computer 14 and teaches the process monitor 13 connected to the computer

Art Unit: 2863

using the client software running on the computer 14 and quality management on the photo finishing equipment 11a with a quality monitoring in the computer 14 and teaches input for quality monitoring using the key board 16 in figure 1 and teaches the customer feed back with the quality check printed in the control station 190 in figure 13 and teaches the processing elements found column 1-20 of the published document.

II. Art B of Garfinkle et al., US 6,570,640 is cited for the method of processing photographic film of at least one digital image and teaches distributing the visual product with steps of storing the digital image using an administrative inter face C in figure 1 and teaches steps of displaying and verify the quality and orientation of the images in figure 3 and teaches the operator or automatic response system 8 in figure 8.

Allowable Subject Matter

6. Claims 1-3, and 5-20 are allowed.

7. The following is an examiner's statement of reasons for allowance:

I. The prior art of record does not suggest or disclose the claimed apparatus for retail photo finishing as found in claim 1 most particularly the claimed "application for collecting, storing, and analyzing data from a plurality of photo finishing sites and producing a report of products and services provided by the sites...[and] wherein the operator testing and training application includes a color vision test and an operator training and testing module" or the particularly claimed steps involved in the "operator training and testing application for training and certifying an operator of the retail site and providing testing, training, and certification of related data to the service center

Art Unit: 2863

computer and the quality management application" in this combination is not found in the cited art of record.

The prior art A of Matsumoto et al., EP 0,628,874-A2 is cited for the communication network 12, and teaches the retail photo finishing equipment 11e connected with the client computer 14 and teaches the process monitor 13 connected to the computer using the client software running on the computer 14 and quality management on the photo finishing equipment 11a with a quality monitoring in the computer 14 and teaches input for quality monitoring using the key board 16 in figure 1 and teaches the customer feed back with the quality check printed in the control station 190 in figure 13 and teaches the processing elements found column 1-20 of the published document.

The prior art B of Garfinkle et al., US 6,570,640 is cited for the method of processing photographic film of at least one digital image and teaches distributing the visual product with steps of storing the digital image using an administrative inter face C in figure 1 and teaches steps of displaying and verify the quality and orientation of the images in figure 3 and teaches the operator or automatic response system 8 in figure 8.

Therefore, the prior art Matsumoto et al., and The prior art of Garfinkle et al., in combination or alone does not teach the present limitation of the claimed combination limitation.

Claims 2-3, and 5-12 are variously dependent on the allowed independent claim 1, and are allowed at least for the reason cited above.

It is these limitations expressed in each of these claims and not found, taught, or suggest in the prior art of record, that makes these claims allowable over the prior art.

II. The prior art of record does not suggest or disclose the claimed apparatus for retail photo finishing as found in claim 14 most particularly the claimed "application for collecting, storing, and analyzing data from a plurality of photo finishing sites and producing a report of products and services provided by the sites...[and] wherein "the Quality management and report application includes an employee database, a process control database, a customer feedback and contact management database and a quality database" or the particularly claimed steps involved in the "operator training and testing application for training and certifying an operator of the retail site and providing testing, training, and certification of related data to the service center computer and the quality management application" in this combination is not found in the cited art of record.

The prior art A of Matsumoto et al., EP 0,628,874-A2 is cited for the communication network 12, and teaches the retail photo finishing equipment 11e connected with the client computer 14 and teaches the process monitor 13 connected to the computer using the client software running on the computer 14 and quality management on the photo finishing equipment 11a with a quality monitoring in the computer 14 and teaches input for quality monitoring using the key board 16 in figure 1 and teaches the customer feed back with the quality check printed in the control station 190 in figure 13 and teaches the processing elements found column 1-20 of the published document.

The prior art B of Garfinkle et al., US 6,570,640 is cited for the method of processing photographic film of at least one digital image and teaches distributing the visual product with steps of storing the digital image using an administrative interface C in figure 1 and teaches steps of displaying and verify the quality and orientation of the images in figure 3 and teaches the operator or automatic response system 8 in figure 8.

Therefore, the prior art Matsumoto et al., and The prior art of Garfinkle et al., in combination or alone does not teach the present limitation of the claimed combination limitation.

Claims 15-20 are variously dependent on the allowed independent claim 1, and are allowed at least for the reason cited above.

It is these limitations expressed in each of these claims and not found, taught, or suggested in the prior art of record, that makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor J. Taylor whose telephone number is 517-272-2281. The examiner can normally be reached on 8:00 to 5:30 PM.

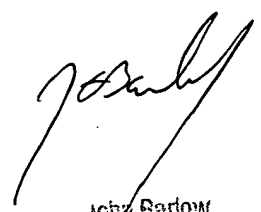
Art Unit: 2863

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VJT


24 March 2004


John E. Barlow
Supervisory Patent Examiner
Technology Center 2800